

(AO 120 (Rev. 3/04))

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Southern District of Indiana on the following Patents or Trademarks:

DOCKET NO	DATE FILED	U.S. DISTRICT COURT
1:08-cv-37-SEB-JMS	1/10/2008	Southern District of Indiana
PLAINTIFF		DEFENDANT
ELI LILLY AND COMPANY		MAYNE PHARMA LIMITED and MAYNE PHARMA (USA) INC.
PATENT OR TRADEMARK NO.		DATE OF PATENT OR TRADEMARK
1 4,808,614		2/28/1989
2 5,464,826		11/7/1995
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY
	<input checked="" type="checkbox"/> Amendment <input checked="" type="checkbox"/> Answer <input checked="" type="checkbox"/> Cross Bill <input checked="" type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	
DATE OF PATENT OR TRADEMARK	
HOLDER OF PATENT OR TRADEMARK	
1	
2	
3	
4	
5	

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT	
ADMINISTRATIVE CLOSURE 2/15/08 - copy attached	

CLERK	(BY) DEPUTY CLERK	DATE
		2/19/2008

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ELI LILLY AND COMPANY,

Plaintiff,

v.

MAYNE PHARMA LTD. and
MAYNE PHARMA (USA) INC.

Civil Action No. 1:08-cv-0037-SEB-JMS

Defendants.

**ORDER GRANTING JOINT MOTION
FOR STAY AND ADMINISTRATIVE CLOSURE**

This matter came before the Court on the joint motion of Plaintiff Eli Lilly and Company and Defendants Mayne Pharma (USA) Inc. and Mayne Pharma Ltd. for a stay of this action pending resolution of the action in this Court captioned *Eli Lilly and Co. v. Sicor Pharmaceuticals, Inc. and Teva Pharmaceuticals USA, Inc.* (1:06-cv-0238 SEB-JMS) ("Sicor Action"). Being duly advised, the Court now GRANTS the motion.

IT IS HEREBY ORDERED that this action is stayed and administratively closed until the earlier of an entry of judgment in the Sicor Action on the issues of infringement, validity and enforceability of the Asserted Patents, or a settlement between the parties in the Sicor Action. The stay and administrative closure of this action at this time does not constitute an adjudication on the merits. The Court will promptly administratively reopen the case, and lift the stay of this case upon the motion of either party. Plaintiff Eli Lilly and Company is not precluded by this Order from seeking injunctive relief from the Court with respect to Mayne's proposed commercial marketing of the products set forth in Mayne's Notice Letters and ANDAs prior to a judgment on the validity and/or enforceability of the Asserted Patents in this Action.

The deadline for either party to move to reopen this case shall be no later than 45 days after entry of judgment on infringement, validity, and enforceability of the Asserted Patents has

been entered in the Sicor Action, or a settlement of all pending claims between the parties in the Sicor Action, whichever occurs earlier, or else the case shall, by operation of this order, be dismissed without prejudice.

Date: 02/15/2008

Sarah Evans Barker

SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

Distribution to:

Charles E. Lipsey (Lilly) Finnegan Henderson Farabow Garrett & Dunner LLP	charles.lipsey@finnegan.com
Robert D. Bajefsky (Lilly) Finnegan Henderson Farabow Garrett & Dunner LLP	robert.bajefsky@finnegan.com
Robert F. McCauley (Lilly) Finnegan Henderson Farabow Garrett & Dunner LLLP	robert.mccauley@finnegan.com
Robert J. Shaffer (Lilly) Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.	robert.shaffer@finnegan.com
Jan M. Carroll (Lilly) Barnes & Thornburg LLP	jan.carroll@btlaw.com
James F. Hurst (Mayne) Winston & Strawn LLP	jhurst@winston.com
Gail J. Standish (Mayne) Winston & Strawn LLP	gstandish@winston.com
Howard I. Shin (Mayne) Winston & Strawn LLP	hshin@winston.com
Sally Franklin Zweig (Mayne) Katz & Korin, PC	szweig@katzkorin.com